

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

V.

CRIMINAL CASE NO.: 4:19-CR-141-SA

AUSTIN KYLE RUBY

DEFENDANT

ORDER SETTING SENTENCING

Pursuant to the change of plea held on January 21, 2020, and the Defendant's adjudication of guilt,

IT IS HEREBY ORDERED that,

1. The sentencing hearing in this matter is set for **Tuesday, April 28, 2020, at 11:00 AM**, Courtroom 1, First Floor of the U.S. District Courthouse in Oxford, Mississippi.
2. The United States Probation Office shall conduct a presentence investigation and prepare a presentence report. FED. R. CRIM. P. 32(c) and (d), 18 U.S.C. § 3552(a), and U.S.S.G. § 6A1.1.
3. The probation officer shall disclose the completed report to counsel for the defendant and counsel for the government on or before **March 24, 2020**. Except for proposed special conditions of supervision, the probation officer shall not disclose any recommendation made or to be made to the Court. FED. R. CRIM. P. 32(e)(3).
4. Counsel shall attempt in good faith to resolve disputes over any material in the presentence report. All arithmetical, typographical, or other clear error should be handled informally, by counsel, with the probation officer. Any unresolved objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report, shall be filed as a restricted document by the objecting party on or before **April**

**7, 2020.** FED. R. CRIM. P. 32(f)(2) and U.S.S.G. § 6A1.2(b). Any unresolved objections will be included in the addendum to the presentence report. Responses to objections, if any, are due seven (7) days after the objections are filed.

5. While recognizing a defendant's right under Fed. R. Crim. P. 32(h)(3)(C) to present any information in mitigation before a sentencing is imposed, sentencing memoranda and/or supporting documents addressing all relevant sentencing issues, including reference letters and motions for departure, shall be filed as restricted documents by the appropriate party on or before **April 14, 2020**. Any unresolved objections will be included in the presentence report; objections should not be included in a sentencing memorandum.

6. The presentence report, in final form, including any unresolved objections, will be delivered to the Court and the parties on or before **April 21, 2020**. FED. R. CRIM. P. 32(g) and U.S.S.G. § 6A1.2 (c).

7. The Court will resolve objections to the presentence report at the sentencing hearing. FED. R. CRIM. P. 32(i) and U.S.S.G. § 6A1.3.

8. All parties that intend to have witnesses testify at sentencing shall give notice to the Court ten (10) days prior to the sentencing date. Any authority counsel intends to use in support of its position should be submitted to the Court at least (7) days before sentencing hearing.

This the 21st day of January, 2020.

/s/ Sharion Aycock  
UNITED STATES DISTRICT JUDGE